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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,064	01/23/2002	Evan Stephen Crandall	113397C	7625
26652	7590	12/01/2004	EXAMINER	
AT&T CORP. P.O. BOX 4110 MIDDLETOWN, NJ 07748			TRAN, HAI V	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/061,064	<b>Applicant(s)</b> CRANDALL ET AL.	
	<b>Examiner</b> Hai Tran	<b>Art Unit</b> 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Double Patenting*

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1. Claims 1-12 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 6,425,131.

Although the conflicting claims are not identical, they are not patentably distinct from each other because Claim 1 is broadly claimed with limitation "associating the recipient's voice communication network address with the recipient's data communication network address" than patent claim 1 of U.S. Patent No. 6,425,131. It would have been obvious to modify patent claim 1 with the broad limitation as claimed in order to obtain the claimed claim 1.

Allowance of claim 1 would result in the unwarranted time-use extension of the monopoly granted for the invention as defined in patent claim 1.

Claim 2 corresponds to patent claim 2.

Claim 3 corresponds to patent claim 3.

Claim 4 corresponds to patent claim 4.

Claim 5 corresponds to patent claim 5.

Claim 6 corresponds to patent claim 6.

Claim 7 corresponds to patent claim 7.

Claim 8 corresponds to patent claim 8.

Claim 9 corresponds to patent claim 9.

Claim 10 corresponds to patent claim 10.

Claim 11 corresponds to patent claim 11.

Claim 12 corresponds to patent claim 12.

2. Claims 13-16 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 22-29 of U.S. Patent No. 6,425,131.

Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 13 is broader than Patent claim 22 of U.S. Patent No. 6,425,131. It would have been obvious to modify patent claim 22 with the broad limitation as claimed in order to obtain the claimed claim 13.

Allowance of claim 13 would result in the unwarranted time-use extension of the monopoly granted for the invention as defined in patent claim 22.

Claim 14 corresponds to patent claim 23.

Claim 15 corresponds to patent claim 24.

Claim 16 corresponds to patent claim 29.-----

3. Claim 17 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 39 of U.S. Patent No. 6,425,131.

Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 17 is broader than Patent claim 39 of U.S. Patent No. 6,425,131. It would have been obvious to modify patent claim 39 with the broad limitation as claimed in order to obtain the claimed claim 17.

Allowance of claim 17 would result in the unwarranted time-use extension of the monopoly granted for the invention as defined in patent claim 39.

4. Claims 18-20 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 68 of U.S. Patent No. 6,425,131.

Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 18 is broader than Patent claim 68 of U.S. Patent No. 6,425,131. It would have been obvious to modify patent claim 68 with the broad limitation as claimed in order to obtain the claimed claim 18.

Allowance of claim 18 would result in the unwarranted time-use extension of the monopoly granted for the invention as defined in patent claims 66-68.

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Claim 19 corresponds to patent claims 66-68 in which the voice communication address is obvious a telephone number for user to dial.

Claim 20 corresponds to patent claims 66-68 in which the information is obvious adapted for rendering on the television so that user could take the advantage of its own TV monitor as device for displaying the received information.

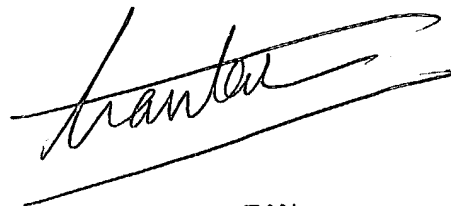
### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is 703-308-7372. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht  
11/26/2004



**HAI TRAN  
PATENT EXAMINER**